JPMC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
07 DEC 31 AM 9:37
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

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| **UNITED STATES OF AMERICA,** | ) | Magistrate Case No. '07 MJ 3004 |
| Plaintiff, | ) | |
| v. | ) | COMPLAINT FOR VIOLATION OF |
| **Donald Wayne WARWICK** | ) | Title 8, U.S.C., Section 1324(a)(2)(B)(iii)- Bringing in Illegal Alien(s) Without Presentation |
| Defendant. | ) | |

The undersigned complainant being duly sworn states:

On or about **Decemeber 27, 2007**, within the Southern District of California, defendant **Donald Wayne WARWICK**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Jin Lan CHEN**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, U.S. Customs and
Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **31st** DAY OF **December**, 2007.

UNITED STATES MAGISTRATE JUDGE

**CATHY ANN BENCIVENGO**
**U.S. MAGISTRATE JUDGE**

**PROBABLE CAUSE STATEMENT**

I, United States Customs and Border Protection (CBP) Enforcement Officer John Poplawski, declare under penalty of perjury the following to be true and correct:

The complainant states that Jin Lan CHEN is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On December 27, 2007 at approximately 2114 hours, Donald Wayne WARWICK (Defendant) made application for admission into the United States at the San Ysidro, California Port of Entry as the driver and sole visible occupant of 1991 black Nissan Sentra. A Customs and Border Protection Officer (CBP) received a negative declaration from the Defendant. Defendant presented his valid California Identification card for entry. Defendant stated he just purchased the vehicle. Defendant presented DMV vehicle transfer and reassignment form to the CBP Officer. The Officer noticed a strong odor of gasoline emanating from the vehicle. The Officer conducted an inspection of the vehicle and noticed a felt material in the area of the gas tank. The Officer requested a Canine Officer for assistance.

The CBP Canine Officer's (K-9) Narcotics Human Detection Dog alerted to the presence of a human odor and sourced the odor to a location under the rear seat of the vehicle. The Defendant was escorted to the security office and the vehicle was driven into the vehicle secondary lot for further inspection. CBP Enforcement Officers were notified and directed to the rear seat of the vehicle. CBP Officers assisted and opened the concealment area removing one individual from the compartment.

Further investigation revealed the one individual to a be a citizen and native of China with no entitlement to enter the United States. The individual is now identified as material witness.

During a videotape proceeding, Defendant was advised of his Miranda rights and elected to submit to questioning without benefit counsel. Defendant admitted knowledge to smuggling something illegal but was not sure what it was. Defendant admitted he was going to receive approximately $300.00USD for the smuggling act.

On separate videotape interview Material Witness declared she is a citizen of China who attempted to enter the United States illegally. Material Witness stated she en route to New York City to visit a family relative and to get know the United States. Material Witness stated she going to pay $1000USD to be smuggled into the United States.

EXECUTED ON THIS 28th DAY OF **December 2007** AT 1500.

#7533

John Poplawski / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of 1 page, I find probable cause to believe that the defendant named therein committed the offense on **December 27, 2007** in violation of Title 8, United States Code, Section 1324.

MAGISTRATE JUDGE

**CATHY ANN BENCIVENGO**
**U.S. MAGISTRATE JUDGE**

12/29/07 @ 11:20 am

DATE / TIME